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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

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Shivam P. Patel,

Plaintiff,

*versus*

United Airlines, Inc.,

Defendant.

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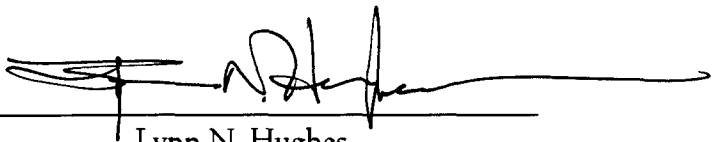
Civil Action H-15-28

### Opinion on Final Dismissal

1. Shivam P. Patel's claims against United Airlines, Inc., will be dismissed with prejudice.
2. Patel is proceeding without a lawyer and without having to pay his costs of court. The court dismisses his claims on its own motion.
3. The court held a hearing February 24, 2015, which lasted more than one-and-one-half hours. Patel was allowed orally to supplement his pleadings and explain the facts of his claims.
4. Patel has complained about United to the Equal Employment Opportunity Commission seven times. Patel was hired *after* he twice had charged United with discrimination. His most recent complaint is about his having to wait six months before reapplying for a new position at United.
5. Patel initially applied for that position and was denied January 8, 2014. He applied again on June 2 – five months later. He was unsuccessful. Patel applied a third time on August 22. United denied the application because he had not waited six months. Patel admits he had known of United's six-month policy before reapplying – something he was told on his first denial. He concedes that he did not wait six months.

6. Patel does not know whom United hired to fill the position for which he applied in August. He has not shown that he was materially qualified for the position, let alone that he was more qualified than the person United hired.
7. The new position was not materially better than the one he had. Patel is a ramp-service worker. He said he loaded luggage and freight. He also handled ground equipment like dollies and cargo pallets. He applied to be a storekeeper. Patel understood the position to handle supplies and other equipment used on the ramp. It did not pay more. Patel concedes that it would not have been a promotion. He simply preferred it.
8. Patel gives no explanation for how United's requiring him to wait six months or denying his August application were in retaliation for his earlier complaints. He had complained six times, and United did not retaliate. Patel can show no causal connection between his complaints to the commission and United's actions.
9. Patel has not established a *prima facie* case. Second, he has not rebutted United's explanation for having denied his application or requiring him to wait six months before reapplying. He has shown nothing from which the court may infer that United treated him differently because of his ethnicity, for having complained to the commission, or that this policy as a whole is to hurt Americans of Indian heritage.

Signed on March 5, 2015, at Houston, Texas.



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Lynn N. Hughes  
United States District Judge